



GAU 1635 BOX SPARK

WD

PATENT

Attorney Docket No.: A-65200/RFT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHNSTON et al.

Serial No. 09/137,059

Filed: August 20, 1998

For: ANTISENSE AND ANTIGENE  
THERAPEUTICS WITH IMPROVED  
BINDING PROPERTIES AND  
METHODS FOR THEIR USE

Examiner: Schmidt, M.

Group Art Unit: 1635

RECEIVED

AUG 12 1999

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

Dated: 8-10-99

Signed: Christine P. Peters

Christine P. Peters

TRANSMITTAL OF RESPONSE TO COMMUNICATION  
AND NOTICE TO COMPLY

BOX SEQUENCE LISTING

Assistant Commissioner

for Patents

Washington, DC 20231

Sir:

In response to the Office Communication and accompanying Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated July 22, 1999, enclosed are the following documents:

Serial No.: 09/137,059  
Filed: August 20, 1998

1. Paper copy of SEQUENCE LISTING;
2. Computer readable form of Sequence Listing;
3. Preliminary Amendment;
4. Copy of Notice to Comply

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-65200/RFT).

A duplicate copy of this sheet is enclosed.

Respectfully submitted,

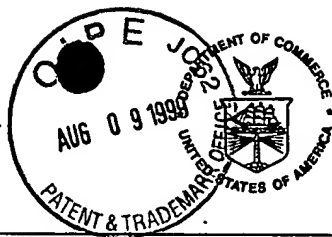
FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP



Richard F. Trecartin  
Reg. 31,801

Four Embarcadero Center  
Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989

(622035)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/137,059 08/20/98 JOHNSTON

B A-65200/WHB/

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT  
SUITE 3400 FOUR EMBARCADERO CENTER  
SAN FRANCISCO CA 94111

HM12/0722

EXAMINER

SCHMIDT, M

ART UNIT

PAPER NUMBER

1635

DATE MAILED:

07/22/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

File A-65200 Atty RFT, WHB  
Due Date 8/22/99  
Type Imp. Resp Refs 0  
Comply

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ADDRESS:  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTY. DOCKET NO.
-----------------	-------------	----------------------	------------------

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

Please find below and/or attached an Office communication concerning the above identified application.

Commissioner of Patents and Trademarks

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Mary M. Schmidt*, whose telephone number is (703) 308-4471. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *George Elliott, Ph.D.* may be reached at (703) 308-4003. The examiner's primary, *John LeGuyader*, may be reached at (703) 308-0447. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

JOHN L. LUGUYADER  
PRIMARY EXAMINER  
GROUP 1800

600

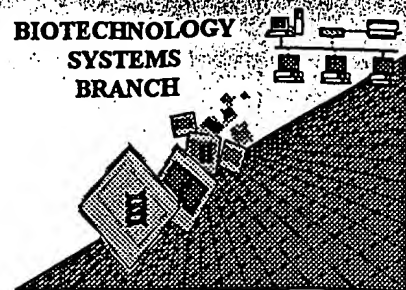
BEST AVAILABLE COPY

M. Schmidt

1635



BIOTECHNOLOGY  
SYSTEMS  
BRANCH



# CRF Diskette Problem Report

Applicant

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following CRF diskette:

Application Serial Number:

09/137,059A

Filing Date:

8/20/98

Classification:

514

Date Processed by STIC:

6/22/99

Point-of-Contact/Telephone No.: Arti Shah 703 - 308 - 4212

## Nature of Problem:

The diskette was:

☐ Damaged

☐ Unreadable

☐ Blank (no files present on diskette)

☐ Contained an empty file (filename present, but no bytes in file)

☒ A computer virus was detected on the diskette. The STIC will not process the diskette through the Data Capture System.

Name of virus: AntiEXE virus

☐ The Sequence Listing was not saved in ASCII (DOS) text.

☐ The diskette contained an error that disrupted normal processing.

BEST AVAILABLE COPY

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The CRF submitted does not match the application specification.

BEST AVAILABLE COPY

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE